



LOS ANGELES COUNTY  
**Office of Independent Review**

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May 4, 2009

Chairperson Don Knabe  
Supervisor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Re: Report to Board's March 3, 2009, Motion/Background Investigations Issues

Dear Supervisors:

On February 18, 2009, this Office of Independent Review ("OIR") submitted to the Board a report entitled "Review of Los Angeles Sheriff's Background Investigations Process". The February 2009 report discussed changes in the hiring practices of the County of Los Angeles Sheriff's Department (the "Department") and made several recommendations for enhancing the background investigation process for deputies as well as the supervision of the background process. In response, this Board approved a motion on March 3, 2009, directing OIR to work with the Department and report back to the Board in writing within 60 days about the Department's efforts to adopt and implement OIR's recommendations contained in the February 2009 report. Moreover, in the motion, the Board directed OIR to work with the Department to create a system to monitor and, if necessary, provide additional training to recently hired deputies and report back to the Board about those efforts as well. Please consider this correspondence as OIR's response to the Board's motion.

**I. Status of Department's Adoption and Implementation of OIR Recommendations**

Since the passage of the Board's motion, OIR has engaged in a series of discussions with Department executives regarding each of the recommendations contained in the February 2009 report. During these discussions, there was a clear commitment by all to explore all reasonable

options to enhance the Department's background investigations process and to ensure fairness to all participants. This commitment resulted in OIR and the Department reaching a consensus on most of OIR's recommendations and, where warranted, an agreement to continuing the dialogue or analysis of the recommendations where a consensus has yet to be achieved. Overall, there has been substantial progress made relating to the Department's adoption and implementation of OIR's recommendations. With no definitive completion date, the Department has begun drafting the necessary unit orders and protocols needed to implement the agreed to recommendations.

With respect to its internal hiring guidelines, the Department has agreed to document the reasons for any modification to the internal hiring guidelines and suggested interpretation of the internal guidelines, to meet with OIR to re-examine the internal guidelines and suggested interpretations of the internal guidelines every 24 months<sup>1</sup>, and to have the Commander's Review Panel<sup>2</sup> consider and develop for the Department's consideration a list of categories of behavioral acts by applicants that would result in automatic disqualification.

To the extent fiscally and legally possible, the Department has agreed to adopt all the recommendations related to staffing the Background Investigations Unit ("BIU") investigators and supervisor positions. That said, Department executives and OIR recognize that BIU appointments must be made in compliance with the Bouman Consent Decree and Civil Service Rules. Moreover, Department executives have indicated that considering the current economic climate, it is unlikely that additional funding will be available at this time for bonus item positions or maintaining a cadre of experience BIU investigators and supervisors.<sup>3</sup> Regarding the recommendation that BIU investigators and supervisors be required to attend a formal training course on conducting background investigations, the Department has agreed to adopt this recommendation and reported that 91% of the current BIU investigators have attended the POST-approved background investigation course. The remaining BIU investigators are scheduled to attend the course May 18 through 21, 2009. Accordingly, the Department is substantially in compliance with this recommendation. Regarding recurrent formal training for contract background investigators, the Department is currently researching its contractual options to compensate contract background investigators for their attendance at training. The Department has agreed, and has begun implementation of a system, to maintain records of all formal training received by BIU background investigators and supervisors.<sup>4</sup>

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<sup>1</sup> To preserve the confidentiality of the Department's internal guidelines, the Department and OIR agree that the results of these meetings and the guidelines adopted or reinstated will remain confidential.

<sup>2</sup> As reported in the February 2009 report and after discussions with OIR, the Department re-instituted the Commander's Review Panel in October 2008.

<sup>3</sup> According to Department executives, the current economic challenges have required Personnel Bureau to eliminate recently more than 20 sworn positions in BIU and Recruitment Unit combined.

<sup>4</sup> The Department maintains all formal training records within its Training Records System.

With the exception of one recommendation, the Department has agreed to adopt all OIR's recommendations related to enhancing the background investigation process and, where necessary, its documentation and supervision of the process. The one exception relates to the requirement that applicants submit tax returns for three years preceding their application for the deputy sheriff trainee position. The Department is further investigating the feasibility of adopting this recommendation. While recognizing that there may be procedural adjustments necessary for photographs of tattoos in certain private body areas, the Department has agreed to require applicants to submit photographs of their tattoos and to provide copies of the photographed tattoos to the appropriate medical, psychological and, when necessary, other subject matter experts. In addition, the Department has agreed to require applicants provide BIU investigators access to their MySpace or Facebook pages and to make accessing those pages a routine background investigative step. The Department has agreed to record the initial interview with applicants, to expand its requirement to meet personally with applicants' local employers or conduct telephone interviews with non-local employers from the last two years to three years,<sup>5</sup> and to include relevant court documents in applicants' background investigative files.

Regarding a number of recommendations related to the backgrounds investigation process, the Department has agreed to enhance its documentation and supervisory review to improve the quality of its background investigations. The Department has agreed to increase its documentation and supervisory review relative to obtaining documents regarding an applicant's criminal or potentially criminal behavior or any issued restraining orders and interviewing all available persons, including victims, potentially knowledgeable of acts of violence or acts that could disqualify the applicant under the Department's internal guidelines. Acquisition of such documents and conducting such interviews may lead the Department to information that corroborates or refutes an applicant's explanation of the events or behavior at issue. Ensuring that appropriate efforts and further investigation into these areas are made increases the likelihood of improved quality of background investigations.

As stated in the February 2009 report, the Department generally conducts thorough background investigations, and in many instances, exceeds POST standards. That said, the Department recognized that there were some background investigations that fell below its expectations. The Department has agreed to adopt OIR's recommendations relating to the supervisory review of completed background investigative files. The Department has indicated its commitment to take a closer look to ensure that background investigations meet or exceed formal training elements and POST requirements, that background investigators are meeting the Department's internal guidelines and interpretations of those guidelines, and that background investigations continue to be thorough and provide the necessary follow-up investigation or inquiry.

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<sup>5</sup> With the adoption of this recommendation, the Department once again exceeds the minimum POST requirements and puts renewed emphasis on the importance of conducting personal meetings with previous local employers.

To ensure an improved quality of background investigations, the Department has agreed to a number of recommended quality assurance measures. The adopted quality assurance measures include conducting more complete supervisory reviews of completed background investigative files and internal audits with an emphasis of identifying ways to improve the background investigations process and hiring decisions. Specifically, the Department has already adopted the recommendation that required the BIU lieutenant to review the entire personnel files of all applicants recommended for hire. As of March 1, the BIU lieutenant began reviewing the entire background investigative files for all applicants recommended for hire. Moreover, the Department adopted two recommendations related to conducting audits of background investigations to improve the investigative process and hiring decisions. Personnel Bureau will conduct audits of its background investigations to identify any trends or patterns of deficient investigations or any investigators in need of additional training or supervision, and it will also assist the Department in conducting internal quality assurance audits of a deputy sheriff's background investigation and personnel file within three years of any deputy sheriff's involuntary separation from the Department.<sup>6</sup>

Also with an eye toward enhancing its background investigations, the Department agreed to adopt recommendations to improve information provided to and received from external stakeholders. The Department has indicated that it will ensure appropriate communication with contract psychologists and ensure that it provides contract psychologists with any information necessary to conduct well-informed examinations of applicants. To this end, Personnel Bureau supervisors, investigators and contract psychologists will meet on an annual basis to discuss concerns or training issues relevant to the background investigation process. In addition, the Personnel Bureau will review, maintain, and conduct appropriate follow-up with regard to all individual complaints by applicants and Department members regarding the background process in general, BIU investigators, BIU supervisors, BIU staff, and/or contract psychologists. Where appropriate, the established service comment complaint process and/or applicant appeals process will be used for applicant complaints. Department member complaints will be documented and forwarded to the captain of Personnel Bureau. The Department will memorialize the results of the processed complaints in writing.

In addition to those identified above, the Department has implemented two other OIR recommendations. As noted in the February 18 report, in November 2008, after discussions with OIR, Personnel Bureau began providing the entire background file to contract psychologists. In October 2008, the Department re-instituted the use of the Commander's Review Panel, and its members will also conduct roundtable discussion on applicants who are recommended for hire with concerns. This category of applicants should include applicants who have been disqualified or rejected by more than two law enforcement agencies. The Department has agreed to continue these procedures.

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<sup>6</sup> This internal quality assurance audit would seek to determine any trends or background patterns that could improve the background investigations process.

To avoid potential confusion relative to the Department's interactions with contract psychologists, the Department has agreed to several recommendations designed to limit certain communications with contract psychologists, document deviations from established protocols, and increase quality assurance. The Department is in the process of drafting a directive limiting direct contact with contract psychologists regarding their performance and/or disqualification rates to the Director of Personnel Bureau, or his designee. The Department has agreed to arrange for a neutral party or person to audit contact psychologists every two years, including individual complaints, disqualification/pass rates and any evidence of bias. Because of reported complaints from applicants regarding driving long distances for psychological evaluations, OIR agreed with the Department to keep such assignments based on geography; however, the Department has agreed to document deviations from its geography-based psychological evaluation assignments.

OIR and the Department have not yet reached a resolution on the following outstanding recommendations: (1) the availability of funding of recurrent formal training for contract background investigators and bonus items in BIU; (2) the feasibility of requiring applicants to submit tax turns; (3) the role of Personnel Bureau in assisting other Department units or bureaus in the review of background investigation files of deputies on probation and consulting on the same with the probationary deputies' unit commanders; (4) the documentation of internal deviations or requests for deviation in the appeals process for disqualified applicants and the requirement that any such deviations or requests require the written approval from the captain of Personnel Bureau, and (5) the role of OIR in the work of the Commander's Review Panel.<sup>7</sup> Moreover, as noted above, the Department has yet to complete its drafting of the appropriate orders and protocols necessary to implement the agreed to OIR recommendations. The drafting of such orders and protocols is in progress. OIR will continue to work with the Department on these outstanding matters and report back to the Board regarding the progress of these outstanding recommendations or the lack thereof.

## **II. Status of Department's Provision of Additional Training to Recently Hired Deputies**

The Department has agreed in principal to create a system to provide, if necessary, additional training to recently hired deputies. Emphasizing the Sheriff's commitment to ensuring that deputies are well trained and equipped to succeed and provide the highest level of public safety, Department executives have agreed to the concept of identifying Department members who may need additional training and then providing the necessary training to achieve those ends. On their own initiative, Department executives have expressed a willingness to exceed the Board's directive. Several Department executives have advocated for the broadening of the recommended time frame for those deputies who would be eligible for additional training. Under the Department's broader approach, deputies hired from 2000 through the present would

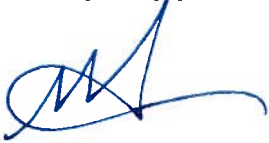
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<sup>7</sup> To be more specific regarding this recommendation, OIR and the Department are seeking for ways in which OIR can provide meaningful input into the Commander's Review Panel process. In the upcoming days, various protocols may be attempted to learn the most efficacious ways to accomplish this goal.

be eligible for additional training. OIR is working with several Department members to develop a workable system for identifying eligible deputies and providing them with appropriate training. OIR will then present the developed system to Department executives for their comments and approval. OIR anticipates completing this process and reporting back to the Board on any unaddressed matters within sixty days of this correspondence.

In sum, the Department has made significant progress in working with OIR on systemic reform of the background investigative process stemming from the issues identified in the OIR February report. Please do not hesitate to contact us if you have any questions regarding any matter discussed in this report.

Very truly yours,



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